

### REMARKS

Claims 1-7 remain pending. By the foregoing amendment, independent claims 1 and 6 have been amended to replace the named metals that react with sulfur to produce a self propagating high temperature synthesis (SHS) reaction, with a generic description of the metals. Support for the amendments is found in the specification, *inter alia*, at page 11, lines 1-3 and in original claim 5 (see paragraph (e)) of parent application 08/976,493. The amendments do not narrow the claims and do not introduce new matter.

The Office Action objects to the oath or declaration on the grounds that the subject application should have been designated as a continuation-in-part, rather than a continuation of parent application 08/976,493. The Office Action asserts that the parent application fails to contain a written description of the combination of sulfur and zirconium reactants, as claimed in claims 1 and 6. By the foregoing amendment, the claims have been amended to delete the specific identity of the metals that undergo the SHS reaction with sulfur. Accordingly, the objection to the oath or declaration is now moot. Reconsideration and withdrawal of this ground of objection are respectfully requested.

Claims 1 and 6 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Office Action asserts that parent application Serial No. 08/976,493 does not contain a written description of the combination of sulfur and zirconium reactants, as recited in claims 1 and 6.

As an initial matter, Applicants respectfully submit that this rejection is improper on its face. Claims 1 and 6 are original claims in this application, which constitute part of its disclosure. See M.P.E.P. § 2163.06.

Although Applicants respectfully traverse this rejection, in an effort to advance prosecution, claims 1 and 6 have been amended to delete the specific identity of the metals that undergo the SHS reaction with sulfur. Therefore, the § 112, first paragraph rejection is now moot. Reconsideration and withdrawal of this rejection are respectfully requested.

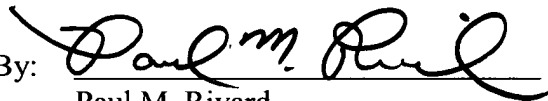
In view of the foregoing, favorable reconsideration and allowance of the subject application are respectfully requested. The Examiner is invited to telephone the undersigned at the number listed below if he believes doing so would be helpful to resolve any outstanding matters.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Date: October 28, 2003

By:

A handwritten signature in black ink, appearing to read "Paul M. Rivard", written over a horizontal line.

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